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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/783,960	02/20/01	SCHWEISS M	S339.12.2

EXAMINER	
JOHNSON, B	
ART UNIT	**PAPER NUMBER**
3634	3

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/783,960	Applicant(s) Schweiss
	Examiner Blair M. Johnson	Art Unit 3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-17 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn.

Keller discloses the panels, a operating cord being anchored to the top panel and wound about a shaft 42 and sleeve 46 which are driven by a motor 40. What Keller does not show is a web. However, while a web is considered to be the full mechanical equivalent of the cable 48 in Keller, Ballyns et al (at 76) and Horn (in column 4, lines 46-50) are further cited to teach such as being old. They webs which permit a more controlled wind up than a cable since the web does not move laterally on the spool as does a cable as it winds thereon. In view of this teaching, it would have been obvious to modify Keller whereby he uses a web instead of a cable. It is inherent that the speed at which the door opens and closes will be affected, i.e. accelerated and decelerated, respectively, by the winding of the web on the spool. The particular kind of web is considered to be an obvious matter of choice of design as each of the materials recited are well known and have particular features which render them useful.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn as applied above, and further in view of Spangle.

Spangle discloses a rigid rod E to attach a web to a winch, such providing a structurally sound method for such an attachment which balances the load on the winch. In view of this teaching, it would have been obvious to modify Keller whereby his web, as applied by Ballyns et al or Horn, is so mounted to sleeve 46.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn as applied above, and further in view of Sanders.

Sanders discloses a means 24,25, for adjusting the end of an anchored portion of a door operating cable. In view of this teaching, it would have been obvious to modify Keller whereby his anchored end 50 has such an adjustment feature to permit adjusting the cable/web.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn as applied above, and further in view of Meurer.

Providing a shield for any cable, web, etc., collected on a winch is well known as illustrated by Meurer at 66,67, such a shield preventing the web from coming off of the winch, preventing detritus, from foiling the winch, etc. Based on these teachings, it would have been obvious to modify Keller to have such a shield.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blair M. Johnson

Primary Examiner
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